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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,) No. CR 05-00353 JW
) CR 10-00617 JW
10 Plaintiff,)
) STIPULATION AND [Proposed]
11 vs.) ORDER CONTINUING HEARING DATE
) AND EXCLUDING TIME UNDER THE
12 JOSE MARCO DIAZ-ALCANTAR,) SPEEDY TRIAL ACT
)
13 Defendant.)
14 _____)
)

15 **STIPULATION**

16 Defendant Jose Marco Diaz-Alcantar, by and through Assistant Federal Public Defender
17 Varell L. Fuller, and the United States, by and through Assistant United States Attorney Brad
18 Price, hereby stipulate that, with the Court's approval, the status hearing currently set for
19 Monday, October 4, 2010, shall be continued to Monday, October 25, 2010, at 1:30 p.m.

20 The reason for the continuance is to permit the defense additional time to receive
21 discovery in this matter and to allow the parties to discuss a possible resolution of both Mr. Diaz-
22 Alcantar's supervised release violation, CR-05-00353-JW, and the new 8 U.S.C. § 1326
23 indictment in CR-10-00617-JW, which was previously assigned to the Hon. D. Lowell Jensen
24 and related by Order of this Court on September 8, 2010 in accord with Criminal Local Rule 8-1.
25 A continuance is therefore necessary and warranted for defense counsel's effective preparation.

26 The parties agree that the time between October 4, 2010, and October 25, 2010 is

1 excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
2 preparation by defense counsel.

3 Dated: September 30, 2010

4 _____/s/
VARELL L. FULLER
5 Assistant Federal Public Defender

6
7 Dated September 30, 2010

8 _____/s/
BRAD PRICE
Assistant United States Attorney

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10  **[PROPOSED] ORDER**

11 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
12 ORDERED that the hearing currently set for October 4, 2010, shall be continued to Monday,
13 October 25, 2010, at 1:30 p.m.

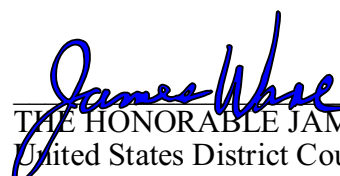
14 THE COURT FINDS that failing to exclude the time between October 4, 2010, and
15 October 25, 2010, would unreasonably deny defense counsel reasonable time necessary for
16 effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §
17 3161(h)(7)(B)(iv).

18 THE COURT FURTHER FINDS that the ends of justice served by excluding the time
19 between October 4, 2010, and October 25, 2010, from computation under the Speedy Trial Act
20 outweigh the interests of the public and the defendant in a speedy trial.

21 THEREFORE, IT IS HEREBY ORDERED that the time between October 4, 2010, and
22 October 25, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
23 3161(h)(7)(A) and (B)(iv).

24 IT IS SO ORDERED.

25 Dated: September 30, 2010

26 

THE HONORABLE JAMES WARE
United States District Court Judge